

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-cv-339-RJC**

**GALVEZ ROMERO OTONIEL,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **LEWIS SMITH, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on initial review of Plaintiff's Complaint filed under 42 U.S.C. § 1983. (Doc. No. 1).

According to his Complaint, Plaintiff is an inmate in the custody of the North Carolina Department of Public Safety and is currently housed at Wilkes Correctional Center ("Wilkes Correctional") within the Western District. Plaintiff alleges that the cause of action that is the subject of his Complaint arose at Albemarle Correctional Institution ("Albemarle Correctional"), where he was housed prior to his transfer to Wilkes Correctional. Plaintiff names as defendants three employees from Albemarle Correctional and a doctor from Stanley County Hospital, a hospital located in the town of Albemarle. (Doc. No. 1 at 2-3).

After reviewing the Complaint, it appears that the allegations giving rise to Plaintiff's claims initially occurred at Albemarle Correctional on or about May 29, 2009. Plaintiff claims that he suffered a possible stroke at the end of May 2009, and that defendants were deliberately indifferent to his serious medical needs. Plaintiff alleges that he was treated by unnamed medical personnel at Stanley County Hospital but his perceived injuries were not taken seriously. Plaintiff contends that one or more defendants continued to ignore his medical condition despite

his protests.

According to the Complaint, all of the defendants are individuals that either work and/or reside in Albemarle within the Middle District. Moreover, the evidence to support Plaintiff's Complaint, should there be any, is also likely to be in the Middle District in the form of prison records and medical records from Plaintiff's trip to the hospital. Although Plaintiff is currently housed in a facility within the Western District, the interests of judicial economy weigh in favor of transferring this case to the Middle District where the cause of action arose, where the majority of witnesses are alleged to be, and where the majority of evidence, if any, is likely found. 28 U.S.C. § 1404(a).

**IT IS, THEREFORE, ORDERED** that the Clerk of Court is directed to **TRANSFER** this case to the United States District Court for the Middle District of North Carolina pursuant to 28 U.S.C. § 1404(a).

Signed: June 11, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

